

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,

Case No. 21-cv-2114 (PJS/JFD)

Plaintiff,

v.

CAREBOURN CAPITAL, L.P.,
CAREBOURN PARTNERS, LLC
Relief Defendant, and CHIP ALVIN
RICE,

Defendants.

**MEMORANDUM OF LAW IN
SUPPORT OF JOINT MOTION
FOR MODIFICATION OF
SCHEDULING ORDER**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Defendants Carebourn Capital, LP, Carebourn Partners, LLC, and Chip Rice respectfully (“Defendants”) request that the Court enter summary judgment as to rendering a finding of no liability in favor of the Defendants on (1) the SEC’s claim (Count I of the Complaint, ECF No. 1) that Defendants operated as unregistered dealers in violation of Section 15(a)(1) of the Securities Exchange Act of 1934; (2) the SEC’s claim (Count II) that Relief Defendant Carebourn Partners received ill-gotten gains from Defendants’ unregistered dealer activity; and (3) Defendant’s First through Ninth affirmative defenses as set forth in their Answer (ECF No. 21).

This motion is based on the Defendants’ Memorandum in support of the motion, the supporting documents and exhibits, the pleadings on file, and all files, records, and proceedings herein.

WHEREFORE, Defendants respectfully request that the Court grant its Motion for Summary Judgment.

THE HUTTON FIRM, PLLC

Dated: February 24, 2023

/s/Lee A. Hutton, III

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